

Attorney Docket No.: FUJH 16.870 (100794-11371)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Akihiro YAMORI
Takashi HAMANO
Kiyoshi SAKAI
Kouji YAMADA

Serial No. : 09/526,619

Filed : March 16, 2000

For : *Moving Pictures Encoding Method and Apparatus*

Examiner : Y. Young Lee

Group Art Unit : 2613

May 16, 2008

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705

Sir:

In response to the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) issued with the Notice of Allowance dated February 19, 2008, Applicants respectfully request that the patent term adjustment be reconsidered.

Any fee due with this paper, including those set forth in 37 CFR § 1.18(e), may be charged on Deposit Account 50-1290.

The Patent Term Adjustment of 847 days specified in the above-referenced Determination should, instead, be 1294 days:

(a) the 847-day Patent Term Adjustment includes only a period of adjustment under 37 CFR § 1.703(e) for

“the sum of the number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences...”

from the filing date of October 7, 2005 for a Notice Appeal to the date of the Board of Appeals Decision in favor of Applicants on January 31, 2008; and

(b) in other words, the 847-day Patent Term Adjustment failed to include a non-overlapping 447-day adjustment under 37 CFR § 1.703(a), with appropriate reductions pursuant to 37 CFR § 1.704, which includes:

(i) a 736-day extension under 37 CFR § 1.703(a) for the period from the March 16, 2000 filing date of the application to the May 22, 2003 mailing date of the first Office Action Restriction Requirement,

(ii) a 60-day reduction under 37 CFR § 1.704 for Applicants’ Response on December 15, 2003 to the Office Action mailed on July 16, 2003,

- (iii) a 58-day reduction under 37 CFR § 1.704 for Applicants' Response on August 9, 2004 to the Office Action mailed on March 12, 2004,
- (iv) an 83-day reduction under 37 CFR § 1.704 for Applicants' Response on March 3, 2005 to the Office Action mailed on September 10, 2004, and
- (v) a 88-day reduction under 37 CFR § 1.704 for Applicants' Notice of Appeal on October 7, 2005 to the Office Action mailed on April 11, 2005.

Thus, the above (i) – (v) results in a $736 - 60 - 58 - 83 - 88 = 447$ -day adjustment period.

In view of the above, the total number of Applicant Delay Days should be $60 + 58 + 83 + 88 = 289$, and the total Patent Term Adjustment should, therefore, be $847 + 736 - 289 = 1294$ days or $847 + 447 = 1294$ days.

Applicants respectfully request that this matter be resolved promptly, and that inquiries be directed to Applicants' undersigned representative at the contact number listed below.

Respectfully submitted



/Dexter T. Chang/
Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304

Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
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